

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Charles P. Jones,
Plaintiff,

v.

Thomas Carroll, et al
Defendants,

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Civil Action No. 06-129***

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 AUG -1 AM 10:19

PLAINTIFF MEMORANDUM IN SUPPORT OF THE MOTION FOR DENIAL OF
SUMMARY JUDGMENT

The plaintiff Charles P. Jones, moves this Honorable court deny Defendants motion for summary judgment and allow Plaintiff to continue pursuit of his rights under law with respect to his injury, state liability and all relief appropriate under the law and submits the following responses.

1. It is admitted that the Plaintiff a 35 year old former inmate, residing at 20 S. John Street Apt. 2, Newport, Delaware 19804.
2. It is also admitted that plaintiff testified regarding an "altercation" taking place between he and another inmate (Anibal Melendez).
3. It is disputed that Plaintiff ever testified that he "beat up" Anibal Melendez.
4. The fact that the defendants present evidence "supporting" plaintiff claim of his "notice" to department officials that there was an altercation between he (plaintiff) and inmate Melendez "proves" defendants responsibility and liability.
5. Rules of procedure and classification within the Department of Corrections prohibited plaintiff from being housed in the area where the assault took place.

6. The D.O.C failure to move plaintiff despite classification procedure and security procedures was neglectful and placed plaintiff in dangerous and harmful situation.
7. Plaintiff answer honestly at deposition with respect to exhaustion of grievance process.
8. It was plaintiffs "belief" at the time that the grievance procedure was not a remedy in "this situation"
9. Inmate Melendez had already been determined by the department to have severe "mental-issues" and was being treated for the issues at the time of the assault.
10. The Department failed to protect the plaintiffs' health despite its knowledge of prior incidents and housing errors.

Where the plaintiff requests this Honorable Court deny Defendants Motion for Summary Judgment.

8-1-2007

Respectfully Submitted
Charles J. Ford
20 South 5th St.
APT. #2
NEWPORT, DE 19804
302-668-2193

Certificate of Service

I, Charles P Jones, hereby certify that I have served a true

And correct cop(ies) of the attached: Response To Defendants
Motion for Summary Judgment upon the following
parties/person (s):

TO: Ophelia Markers
Deputy Attorney General
820 N. French St
6th Floor
Wilmington, DE 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States

On this 1ST day of August, 2007